

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 15247 of 2007(S)

OS.55/2004 of WAKF TRIBUNAL, KOZHIKODE

PETITIONER:

**KOZHIKODE MUCHUNDHI PALLIPARIPALANA
COMMITTEE SECRETARY, C.P.ALIKOYA, AGED 55 YEARS,
S/O. MUHAMMED KOYA, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.**

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENT:

**CHERUVEETIL SAINABI,
AGED 63 YEARS, D/O. MAMUKOYA, NAGARAM AMSOM, DESOM,
KOZHIKODE TALUK.**

BY ADV. SRI. K.M. FIROZ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 15247 of 2007(S)

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF THE PLAINT IN O.S. 55/2004 FILED BY THE PETITIONER BEFORE THE WAKF TRIBUNAL, KOZHIKODE.**
- EXT. P2 : COPY OF THE I.A. 373/07 IN O.S. 55/2004 FILED BY THE PETITIONER BEFORE THE WAKF TRIBUNAL, KOZHIKODE.**
- EXT. P3 : COPY OF THE ORDER IN I.A. NO. 373/07 IN O.S. 55/04 PASSED BY THE WAKF TRIBUNAL, KOZHIKODE.**
- EXT. P4 : COPY OF THE REVIEW PETITION IN I.A. NO. 428/07 IN I.A. NO. 373/07 IN O.S. 55/04 FILED BY THE PETITIONER BEFORE THE WAKF TRIBUNAL, KOZHIKODE.**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P. (C) NO. 15247 OF 2007

Dated this the 20th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

Petitioner is aggrieved by Exhibit P3 order passed by the Wakf Tribunal, Kozhikode in I.A. No. 373/2007. In view of the dispute regarding the ownership of the property, it appears, petitioner-plaintiff filed a petition for calling for certain records from Munsiff Court, Kozhikode in a suit which was already disposed of in O.S. No. 489/1991. That is seen dismissed on the ground that it is open to the petitioner to produce certified copy.

2. According to the petitioner, certified copy is not sufficient to have a clear view of the lie of the property. Since the suit has already been disposed of, we do not find any reason in not calling for records. Accordingly, Exhibit P3 is set aside. Exhibit P2 application stands allowed. Munsiff Court, Kozhikode shall transfer the records stated in Exhibit P2 within two weeks from date of production of a copy of this judgment to the Wakf

Tribunal, Kozhikode. Thereafter, Wakf Tribunal shall dispose of O.S. 55/2004 within a period of another two months.

This writ petition is disposed of as above.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE**

smp